

REMARKS

I. Status Of The Claims

Claims 1-95 are pending in this application, of which claims 24-47 and 71-94 are withdrawn from consideration.

Claims 5 and 52 are objected to.

Claims 1-23, 48-70, and 95 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-3, 6-16, 19-22, 48-50, 53-63, 66-69, and 95 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson (U.S. Patent No. 6,269,369).

Claims 17, 23, 64, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Tsou (U.S. Application No. 2002/0184089).

Claims 18 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Young (U.S. Patent No. 7,024,690).

Claims 4 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Bieganski (U.S. Patent No. 6,412,012).

Claims 5 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Spooner (U.S. Application No. 2005/0034099).

With this response, claims 1, 5, 17, 48, 52, 64, and 95 are amended. No new matter has been added.

Of the presently pending claims, claims 1, 48, and 95 are independent.

II. Restriction Requirement

During the week of November 6, 2006, a telephone call was received from the

Examiner indicating that the case was subject to a restriction requirement. The Examiner indicated that restriction to one of:

“Group I: Claims 1-23, 48-70, and 95” and

“Group II: Claims 24-47 and 71-94”

was required.

On November 8, 2006, the undersigned telephoned the Examiner and, during the call, indicated provisional election with traverse of “Group I: Claims 1-23, 48-70, and 95.”

Applicants hereby affirm this provisional election, but reiterate that the election was made with traverse.

Applicants respectfully submit that, as stated in MPEP §803, for a restriction requirement to be proper “there are two criteria for restriction between patentably distinct inventions” as follows:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There would be a serious burden on the examiner if restriction is not required.

Applicants respectfully submit that: all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should be examined together. Accordingly, examination of the claims of Group II, in addition to the claims of Group I, would place no additional “serious” burden on the Examiner as examination of the claims of Group II would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group I.

In view of at least the foregoing, Applicants respectfully submit that the restriction requirement should be withdrawn and that all claims should be examined on the merits.

III. Objection to Claims 5 and 52

The Office Action objects to claims 5 and 52, stating:

“[c]laims 5 and 52 contain the trademark/trade name ‘symbian,’ which should be capitalized”
(see Office Action, p. 3).

In view, at least, of the amendments to claims 5 and 52 herewith, Applicants respectfully request that the objection be withdrawn.

IV. Rejections Under 35 U.S.C. 112, Second Paragraph

The Office Action, stating that:

“[c]laims 1, 48, and 95 each recite the limitation ‘socially-relevant recommendation.’ The metes and bounds of this limitation are unclear to the examiner and the term also does not appear to be defined in the applicant’s specification”
(see Office Action, p. 4),

rejects claims 1, 48, and 95, and those claims that depend therefrom, under 35 U.S.C. 112, second paragraph.

However, in view, for instance, of the disclosure of the present application stating that:

“[a]s indicated above, rules corresponding to a script could serve to provide specification of the numbers of matches, conditions for matches, and/or the like that would allow for execution of the script. In various embodiments, the characteristics of such rules could determine the social relevance of a corresponding recommendation. For instance, a recommendation that required a greater number of matches (e.g., where a match with respect to a particular node was only counted once) might be considered to be a more socially-relevant recommendation than one that required a lesser number of matches.”

As an example, suppose a first case where identifiers, data

elements, and/or other data to be considered during matching operations included a first unique identifier of a first media file or application to be recommended, and a second case where identifiers, data elements, and/or other data to be considered during matching operations included a second unique identifier of a second media file or application to be recommended ... the recommendation of the first media file or application might be considered to be more socially-relevant recommendation than the recommendation of the second media file or application from, for example, the point of view that the first media file or application was possessed by a greater number of nodes" (see disclosure of the present application p. 47 - p. 48; emphasis added).

Applicants respectfully disagree with the rejection and respectfully request that it be withdrawn.

The Office Action, stating that:

"[c]laims 1, 48, and 95 each recite the limitation 'short-range.' The metes and bounds of this limitation are unclear to the examiner and the term also does not appear to be defined in the applicant's specification" (see Office Action, p. 4),

rejects claims 1, 48, and 95, and those claims that depend therefrom, under 35 U.S.C. 112, second paragraph.

However, in view, for instance, of the disclosure of the present application stating that:

"[m]atching operations could be performed, perhaps in a manner analogous to that discussed above, whereby it could be determined if one or more other nodes possessed data matching the data provided to the user's node. According to various embodiments, such other nodes could, for instance, be in short-range communications range of the user's node. Such short-range communications might, for example, employ Bluetooth, IEEE 802.15a, IEEE 802.15.3, 802.11a, 802.11b, 802.11g, and/or the like" (see disclosure of the present application p. 37; emphasis added),

Applicants respectfully disagree with the rejection and respectfully request that it be withdrawn.

The Office Action, stating that:

“[c]laims 5 and 52 contain the trademark/trade name ‘symbian,’ and claims 17 and 64 contain the trademark/trade name ‘Bluetooth.’ Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph ... In the present case, the trademark/trade name ‘symbian’ is used to identify/describe an identifier and the name ‘Bluetooth’ is used to describe a short-range communication specification and, accordingly, the identifications/descriptions are indefinite”
(see Office Action, p. 4),

rejects claims 5, 17, 52, and 64 under 35 U.S.C. 112, second paragraph.

Applicants respectfully disagree with the rejection.

Nevertheless, to facilitate prosecution, with this response Applicants amend claims 5, 17, 52, and 64. Applicants respectfully note, for instance, that IEEE 802.15.1 corresponds to Bluetooth.

Applicants respectfully submit that claims 5, 17, 52, and 64, at least with the amendments herewith, are in compliance with 35 U.S.C. 112, and Applicants respectfully request that the rejection be withdrawn.

V. Rejection Under 35 U.S.C. 102

The Office Action rejects independent claims 1, 48, and 95 under 35 U.S.C. 102(b) as being anticipated by Robertson.

However, Applicants respectfully submit that Robertson fails, for example, to disclose, teach, or suggest:

“... creating a log entry in accordance with a match found between the data received at the first node and data held by a second node within a short-range communication range of the first node ...”

as set forth in each of claims 1, 48, and 95 (emphasis added).

The Office Action contends that such is taught among Appendix A of column 16 and Appendix I of column 20 of Robertson. However, Applicants respectfully submit that these portions of Robertson merely discuss:

“Display Group Member List

Submit group name.

Match group name to GroupID in Group table.

Join Affinity table to Customer table and CustomerPrefs table based on CustomerID.

Show contact information from Customer and CustomerPrefs tables when the the Affinity table contains a record matching the CustomerID to the specified GroupID” (see Robertson col. 16, Appendix A),

and:

“... Go to the Customers table and find the names of all the people with whom I will be crossing paths.

Select first name and last name from the customers table for all the CustomerIDs in the list of my contacts trips” (see Robertson col. 20, Appendix I).

Robertson fails, for instance, to disclose, teach, or suggest any consideration of data received at a first node and data held by a second node within a short-range communication range of the first node, and instead with respect to the portions of Robertson cited by the Office Action discusses functionality regarding information held at a server:

“[o]nce the user of the client computer 370 (FIG. 5) enters

information in each data field in the GUI 560 shown in FIG. 7, he clicks the Submit button 560-26 (or performs some equivalent action) and the information entered is transferred via the computer communications network 360 (FIG. 5) to the server computer 330, where the server personal contact manager software 343 stores the information in the appropriate tables 350 of a database 340 ...

If a second user whose personal information is stored in the tables 350 of the database 340 on the server computer 330 has specified the same group affiliation as that specified by the first user in the College 560-20 data field, and that second user has specified a date range for that affiliation that intersects with the date range specified by the first user in the Year of College Enrollment 560-22 and College Graduation Year 560-24 data fields, the Name 580-10 of the second user and the ending date 580-12 of the second user's affiliation with that group are displayed ...

A pseudocode description of the actions performed by the personal contact manager software 343 to display the group member list is shown in Appendix A" (see Robertson col. 7 ln. 20 - col. 8 ln. 3; emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 1, 48, and 95, as well as those claims that depend therefrom, are in condition for allowance.

VI. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4121US1.

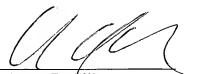
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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Dated: February 15, 2007

By:



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